

## Article - Labor and Employment

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§5–216.

(a) If an authorized representative of the Commissioner concludes that a condition or practice at a place of employment creates an imminent danger that reasonably could be expected to cause death or serious physical harm to an employee, the authorized representative:

(1) shall give the employer and each employee whom the danger affects notice of the danger; and

(2) may recommend to the Commissioner that the Commissioner seek to enjoin the condition or practice.

(b) (1) On a complaint filed by the Commissioner, a circuit court:

(i) may enjoin a condition or practice at a place of employment if the condition or practice creates an imminent danger that reasonably could be expected to cause death or serious physical harm to an employee; and

(ii) pending the outcome of enforcement procedures under this title, may grant an injunction or temporary restraining order.

(2) A temporary restraining order that is passed without notice may not be in effect for more than 7 days.

(3) An injunction under this subsection may require each act needed to:

(i) avoid, correct, or remove the imminent danger; or

(ii) prohibit the employment or presence of any individual, in a location or under a condition where the imminent danger exists, other than an individual who needs to be present to:

1. remove the imminent danger;

2. maintain the capacity of a continuous process operation in order to resume normal operations without stopping operation completely; or

3. where operations must be stopped, stop an operation in an orderly and safe manner.

(c) (1) If the Commissioner arbitrarily or capriciously fails to seek relief under this section, on a complaint filed by or for an employee who may be injured as a result of the failure, a circuit court may pass a writ of mandamus to compel the Commissioner to seek the relief and grant other appropriate relief.

(2) An action under this subsection shall be brought in the circuit court for the county where the alleged imminent danger exists.

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